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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,624	06/16/2000	RAN M. OZ	40005079-0004-002	1033
26263 7590 03/23/2007 SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080			EXAMINER VU, NGOC K	
			ART UNIT	PAPER NUMBER

2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/595,624

Applicant(s)

OZ ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. The final Office Action mailed 10/31/2006 in response to applicant's amendment filed 8/22/2006 included the wrong form paragraphs by mistake in paragraph numbers 2 and 3. Therefore, the Office Action mailed 10/31/2006 is hereby vacated.

***Response to Arguments***

2. Applicant's arguments filed 8/22/06 have been fully considered but they are not persuasive.

Applicant merely argues that MPEG packets in the Addington reference are non-addressable packets. This argument is not persuasive.

With respect to claim 27, the Hoarty reference discloses switching between inputs and outputs of the broadband multimedia routers as receiving and transmitting data from sources to subscriber as shown in figure 1. The Addington reference discloses that IP server encapsulates the ID data into MPEG transport packets with the MAC address of the HCT 155 in the header (see col. 7, lines 40-49). That is, the MPEG packets for IP data include packet header having MAC address associated with HCT 155. In addition, it is noted that each MPEG transport packet contains an address field, referred to as a program identifier (PID), which uniquely identifies the service carried by the packet according to MPEG standard. Therefore, MPEG packets must be addressable packets.

In response to applicant's arguments against the references individually, with respect to claims 29 and 30, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Accordingly, rejection of claims 27-30 is maintained.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoarty et al. (US 6,305,020 B1) in view of Addington (US 6,928,656 B1).

Regarding claim 27, Hoarty discloses a broadband multimedia system (figure 1) comprising: a broadband multimedia router (112 & 121) communicatively connected to a data router (122) and between a plurality of media sources (111) and a plurality of network transmitters (within distribution plant 14); and a session manager (113), communicatively connected to said broadband multimedia router and configured to provide routing instructions to said multimedia router (112 & 121), for directing said media stream received from said media sources (111) to said network transmitters for transmitting over a broadband network (i.e., cable network) and directing addressable data packets received from said data router (122) to at least a selected one of the said network transmitters for transmitting over said broadband network to a specific destination (particular home) associated with address information included in addressable data packets(see figure 1; col. 5, line 44 to col. 6, line 32).

Hoarty's system includes switching between inputs and outputs of the broadband multimedia router as receiving and transmitting data from sources to subscribers (see figure 1). Hoarty does not specifically teach encapsulating packets of media streams received from media sources within addressable packets. However, Addington discloses that IP server encapsulates the received IP data into MPEG transport packets with the MAC address of the HCT 155 in the

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header. The MPEG packets are combined into the MPEG transport stream of the designated downstream route via a route 250 (see col. 7, lines 41-45; col. 4, lines 32-35). In addition, it is noted that each MPEG transport packet contains an address field, referred to as a program identifier (PID), which uniquely identifies the service carried by the packet according to MPEG standard. Accordingly, encapsulation of the received IP data within addressable packets such as MPEG packets is taught by Addington. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hoarty by encapsulating the received IP data into addressable packets, i.e., MPEG packets, as taught by Addington in order to provide an IP data transport mechanism that makes efficient use of the available bandwidth.

Regarding claim 28, Hoarty discloses that session manager (113) receives data session requests (requests for program and/or service) and authorize data sessions in response thereto and allocate network resources for said data sessions (see col. 8, lines 28-31 and 54-62; col. 9, lines 38-47).

5. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoarty et al. (US 6,305,020 B1) in view of Addington (US 6,928,656 B1) and further in view of Brodigan (US 6,530,086 B1).

Regarding claims 29 and 30, Hoarty discloses that the system manager performs call set-up which is the process of causing the assignment of a television information signal path to home 114b having a digital STB for interactive services (see col. 8, lines 54-59 and figure 1). Hoarty does not explicitly teach the system manger assigns a lay three address to the set top box. However, Brodigan teaches sending an IP address of a programming host computer that is assigned to a specific program channel and time associated to a STB (see col. 5, lines 17-22; col. 6, lines 7-14). Therefore, it would have been obvious to one having ordinary skill in the art at

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the time the invention was made to modify the combined system of Hoarty and Addington by sending an IP address of a programming host computer that is assigned to a specific program channel and time associated to a STB as taught by Brodigan in order to allow real time response from user to an external service provider via communication network.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NGOC K. VU  
PRIMARY EXAMINER  
Art Unit 2623

March 20, 2007